

Interview Summary:

On November 14, 2005 the Examiner and the undersigned attorney conducted a brief telephone interview to discuss this application. Specifically, the lack of a teaching in the cited art of cam levers on the opposite side of the lid was discussed. No resolution was reached.

Remarks

After carefully considering the present rejection and discussing this matter with the Examiner, we now believe that the rejection is primarily an issue of semantics. The applicants have amended the claims, obviating the present rejection.

Section 102

Currently, claims 1 and 4-8 stand rejected as anticipated by Gallagher et al. As amended the claims are not anticipated by Gallagher. As we have previously noted, the relevant law requires that to anticipate a claim, each and every element of the claim must be found within the cited reference. The identical invention must be shown in the cited reference in as complete detail as is contained in the claim.

Looking to Gallagher et al., Figures 2 and 3 show an integrated circuit test device that has a mechanism for lowering a lid. However this mechanism is entirely on one side of the device. The illustrated mechanism is not a first and second cam lever respectively linked to a first and second side of the lid, wherein the first and second side are opposite each other across the top face of the lid. Given that this claim limitation is not found in the cited reference, reconsideration is warranted.

Section 103

The sole remaining issue is whether claims 2, 9 and 12-15 are rendered obvious by Gallagher et al. in view of Yoshizaki. This as well should be reconsidered.

First, in the prior Office action response dated August 15, 2005, the applicants noted that no proper teaching to combine, as required by the applicable law, had been proffered. In the most recent Office action, there still has been no proper teaching to combine. This presents an

independent reason to reconsider and withdraw this rejection. A prima facie case for rejection of the claims at issue has not been established.

Second, even if the references are combined, they do not render obvious the applicants' amended claims. As noted above, Gallagher et al. fails to disclose a first and second cam lever respectively linked to a first and second side of the lid, wherein the first and second side are opposite each other across the top face of the lid. Given this fact, the rejection should be reconsidered.

Conclusion

The present amendments and remarks provide an ample basis for reconsideration of the instant rejection. A notice of allowance is earnestly solicited. If the Examiner has any questions about the instant matter, please call the undersigned attorney at (408) 297-9733 between 9 AM and 5 PM Pacific Time.


Respectfully submitted,

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signed: Merle P. Garcia
Typed Name: Merle P. Garcia

Date: December 8, 2005



David Schneck

Reg. No. 43,094

Schneck & Schneck

P.O. Box 2-E

San Jose, CA 95109-0005

(408) 297-9733